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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,911	09/22/2003	Raymond J. LeBlanc	87321.1660	7376

7590 08/10/2007
BAKER & HOSTETLER LLP
Washington Square
Suite 1100
1050 Connecticut Avenue, N.W.
WASHINGTON, DC 20036

EXAMINER

MULLEN, THOMAS J

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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08/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/664,911

Applicant(s)

LEBLANC ET AL.

Examiner

Thomas J. Mullen, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-24, 26-28 and 31 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 25, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/8/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

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1. The disclosure is objected to because of the following informalities:

para. 0026, line 8, it appears that "line 38" should be --line 40-- (note the occurrences of "line 40" elsewhere in that paragraph, and see Fig. 1);

para. 0028, lines 1-3, it appears that "driver 36" and "source 34" should be --driver 38-- and --source 36--, respectively (note "second booster 34", para. 0025, next-to-last line; also, see the corresponding discussion of Fig. 1 in paragraph 2 below);

para. 0029, last 2 lines, it appears that "source" 34" and "driver 36" should be --source 36-- and --driver 38--, respectively (see above); and

para. 0033, line 2, it appears that after "active" should be inserted a word or phrase such as --occurs--, --takes place--, etc.

Appropriate correction is required.

2. (i) The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "34" has been used to designate both a "second booster" and an "audio source" in Fig. 1 (i.e., it appears that the blocks "Audio Source" 34 and "Audio Driver" 36 in Fig. 1 should instead be numbered 36 and 38, respectively--see the discussion above regarding specification para. 0028).

(ii) The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "204" has been used to designate both an "Acquire Date/Time" block and a "Parse Date/Time" block in Fig. 6.

(iii) The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "218" has been used to designate both a "Finish" block and a "Coincidence List" block in Fig. 6.

(iv) The drawings are objected to because in Fig. 1, it appears that the transmission line numbered "38" should instead be numbered --40--, and that the shielding elements numbered "40" (three occurrences) should instead be numbered --42-- (see para. 0026 in the specification).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

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should not be labeled as "amended." Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) which is mentioned in the description:

202 in para. 0045, and

208,210,212,214,224,226 in para. 0047.

(See Fig. 6.)

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or appropriate amendment to the specification to remove the reference sign(s) therefrom, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do include the following reference character which is not mentioned in the description: 170 (Fig. 5; note para. 0041 of the specification).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or (preferably) amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b), are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each

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drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. Claims 2-4 and 8 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, lines 13-14, "said nonvolatile storage" lacks antecedent basis.

Claim 2, last line, "said commands" lacks clear antecedent basis (note "command routine", line 3).

Claim 8, lines 3-4, "said display output of said configuration status display routine" lacks antecedent basis (note the claim dependency).

Claim 8, line 4, it appears that between "can" and "displayed" should be inserted --be--.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2-4, 6, 8-9, 28 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, lines 3-6 and 9-12, it is unclear if "implemented in stored-sequence executable instructions" (4 occurrences) refers to the same "instructions" recited at claim 1, line 2 and claim 2, lines 1-2. Put another way, it appears that the 4 occurrences of the above-mentioned "implemented..." phrase are fully implied by the preamble of claim 2, and might simply be deleted.

In claims 2 and 4, the operation of the "monitor routine" is unclear as to what is meant by "events" (claim 2, line 7) or "system event" (claim 4, line 2); i.e., it is unclear whether such "events" (being reported and/or responded to by the "monitor routine") have to do with

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malfunctions of the overall system; normal "annunciator" operation (e.g. the outputting of particular "annunciations" at predetermined times), user inputs to control immediate "annunciator" operation, etc.

In claim 6, last 2 lines, it is unclear if "any selectable combination of annunciators" refers to annunciators of the "set" recited in claim 1, last line, or may refer to other annunciators.

In claims 8 and 9, the recitations of "a keyboard-type data entry device", "a mouse-type data entry device" and "a microphone-type audio input device" are indefinite; i.e., the addition of the word "type" to an otherwise definite expression extends the scope of the expression so as to render it indefinite. See MPEP 2173.05(b), section E.

In claim 28, it is unclear if "at least one annunciator" refers to the same element(s) as "means for annunciating..." recited at claim 23, line 3, or refers to a different element(s). (Note that claim 30 is identical to claim 28, except for reciting "at least one annunciating means" on line 3, which is more consistent with the recitation in claim 23.)

In claim 31, lines 6-7, it is unclear if "a local annunciator control unit" refers to the same element as the "annunciator control unit" recited on line 2, or refers to a different element; further, it is unclear with respect to what geographical area, or what other element(s) or structure(s), the latter-recited annunciator control unit is "local" to.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Lynn (US 5541981).

Note in Lynn (Fig. 1), public address amplifier 28 and loudspeaker 26, i.e. an "annunciator"; personal computer 12 having a microprocessor 16 and storage elements (18,20,21), i.e. an "annunciator control unit" inherently having a "set of stored-sequence executable instructions" (stored in the above-mentioned storage elements) for implementing system functions; and clock 17 (which is also characterized as an "internal...clock", see e.g. col.

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10, lines 25-29, col. 11, lines 51-52, col. 12, lines 59-60, etc.), i.e. a "computer-readable clock" for providing "timekeeping information" to the microprocessor 16 of the "annunciator control unit".

10. Claims 1, 5-7, 10-14, 17-24, 26-27 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayo (US 5133081).

Regarding independent claim 22, note in Mayo (Figs. 1 and 7), central programming station (or CPS) 101 having a microcontroller 701 and storage elements (703,704), i.e. an "annunciator control unit" inherently having a "set of stored-sequence executable instructions" (stored in the above-mentioned storage elements) for implementing system functions; "real time" clock 724 (see col. 14, last line to col. 15, line 2; col. 15, lines 24-27; etc.), i.e. a "computer-readable clock" for providing "timekeeping information" to the microcontroller 701 of the "annunciator control unit"; and remote message transmitters (or RMTs) 102 and repeaters (803,805,807--see Figs. 8-9) each having a speaker/loudspeaker (note speaker element 726 in Fig. 7 regarding the RMT(s)--where Mayo teaches that the arrangement shown in Fig. 7 is contained in both the CPS and the RMTs, see col. 5, lines 36-39--and loudspeaker element 924 in Fig. 9 regarding the repeater(s)), i.e. one or more "annunciators" which may be used in the context of a public address system (see e.g. col. 4, lines 44-48, col. 16, lines 22-26, col. 19, lines 9-15, etc.).

Regarding independent claim 1, as shown in Fig. 1 there are potentially many RMTs 102 associated with the CPS 101 (annunciator control unit), and as shown in Fig. 8 there are multiple repeaters (803-807) associated with a given RMT (801); since each of these elements includes a speaker/loudspeaker as discussed above, Mayo teaches a "set of annunciators" (102,801,803-807) as claimed.

Regarding independent claims 23 and 31, Mayo further teaches that a given RMT (102 or 801) and its associated repeaters (803-807) correspond to a particular "area of coverage" (see e.g. the Abstract, last 8 lines; col. 3, lines 30-39; and col. 7, lines 31-44, which describes the arrangement shown in Fig. 3), i.e. Mayo teaches "assigning" at least one annunciator to at least one "zone", implicitly in accordance with "user-defined criteria". Further, Mayo implicitly teaches "scheduling" and activating command events affecting at least one of the annunciators

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(i.e., Mayo teaches broadcasting certain messages from a given loudspeaker of a given RMT/repeater at "certain times of day" as controlled by the real time clock 724, discussed above).

Regarding claims 5-6, Fig. 5 shows further aspects of the CPS 101 (annunciator control unit) which are used to "program and monitor (the) RMTs" 102 (col. 7, last 2 lines); i.e., the CPS 101 sends various "signal transmissions", "command signals", etc. to the RMTs 102. See e.g. the Abstract, lines 1-20, and col. 3, lines 51-64.

Regarding claim 7, Fig. 5 (mentioned above) shows the "human interface subsystem" aspect of the CPS 101 (see col. 7, line 67 to col. 9, line 37), including a display 506, a "non-volatile storage subsystem" 503 (which may be "magnetic tape, optical disc, or solid state memory", col. 9, lines 42-43--see also Fig. 6 and col. 9, line 53 to col. 10, line 48) and a "communications subsystem" (502,511), the human interface subsystem supporting command/configuration inputs (via keypad 504 or telephone line/modem 511).

Regarding claim 10, Fig. 5 (discussed above) further includes an "audio output signal generator" 509 (note also element 726 in Fig. 7), for which controller 501 (or 701 in Fig. 7) would implicitly have a "sound signal processing device" for operating the audio generator.

Regarding claim 11, as discussed above the non-volatile storage subsystem 503 may be an "optical disc", for which the system would implicitly have "interface electronics" and "operating software".

Regarding claim 12, as discussed above the non-volatile storage subsystem 503 may be "solid state memory", note e.g. digital RAM component 606 in Fig. 6 (col. 9, lines 55-56); it appears to be inherent that this component is both "nonvolatile" and "read-write" (see e.g. col. 9, line 53 to col. 10, line 9).

Regarding claim 13, the non-volatile storage subsystem 503 is inherently an "external" storage device (at least with respect to the controller 501).

Regarding claim 14, as shown in Fig. 5 there are "bidirectional communications ports" (507,512), and inherently "interface electronics", between CPS controller 501 and the communications subsystem (502,511).

Regarding claim 17, as discussed above the RMTs 102 at least implicitly "sense, interpret, execute and repl(y) to commands" from at least the CPS 101.

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Regarding claim 18, Mayo teaches "uniquely addressing" the annunciators (102,801,etc.), see e.g. the Abstract, lines 14-16 and col. 8, lines 30-31.

Regarding claim 19, the "unique addressing" discussed above is provided to a "group" of annunciators which includes a given RMT (102,801) and the corresponding repeaters (803-807), see e.g. col. 3, lines 36-39 and 43-45.

Regarding claim 20, Mayo teaches that the CPS 101 may transmit "global instructions which apply to all Remote Message Transmitters (102)", see the Abstract, lines 12-13.

Regarding claim 21, Mayo teaches that the CPS 101 "polls each RMT (102) at specific intervals" so as to monitor the "status" of all RMTs (see col. 9, lines 1-4 and 22-23).

Regarding claim 24, the CPS 101 sends "broadcast messages" to the RMTs 102 (see the Abstract, lines 6-11), which are implicitly "audio signals" (i.e., when audibly emitted by the speaker/loudspeaker of the RMT 102 and/or repeater 803-807). See also, e.g., col. 14, lines 59-61.

Regarding claim 26, the CPS 101 "monitors the status of all RMTs" 102 (see col. 9, lines 1-23).

Regarding claim 27, the CPS 101 includes an LCD 506 (mentioned above) for displaying "at least one of the identity, functional properties, and condition" of at least one RMT 102 (see col. 9, lines 24-29).

11. Claims 15-16, 25 and 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2-4, 8-9 and 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, and/or objection(s) under 37 CFR 1.75(a), set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The art cited by applicant has been considered.

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Farinelli et al (US 5761320) was cited in related application 10/368,638. Anderson et al (US 5406634), Kirschner et al (US 6856258) and Nourse et al (US 2003/63755) are cited to further show the state of the art.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM


THOMAS MULLEN
PRIMARY EXAMINER
AU 2612